



UNITED STATES PATENT AND TRADEMARK OFFICE

mj
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,649	08/08/2001	Joachim Kozlowski	tk102	1892

7590 05/18/2004

Davidson Berquist Klima & Jackson LLP
4501 North Fairfax Drive Suite 920
Arlington, VA 22203

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
3724	<i>16</i>

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,649

Applicant(s)

KOZLOWSKI, JOACHIM

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2 and 5-29 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,12-16 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant amendment received on 2/27/04.

Election/Restrictions

2. Applicant's election with traverse of species I in Paper No. 15 is acknowledged. The traversal is on the ground(s) that claims 11-16 are generic as they can be applied to any of the four species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-6, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Foreign Patent no. DE4110039.

Stauber discloses the invention substantially as claimed including a knife support 59, a blade holder having a blade 39, a seam-shaped cutout opposite a cutting edge of the blade (see Fig.8-9), boundary faces, a lock seam (Fig. 7), a threaded bore and screw means (Fig. 9).

Stauber does not show boundary faces extending at angle of $< 90^\circ$ with respect to each other.

However, Foreign'039 teaches the use of boundary faces 7 extending at angle of $< 90^\circ$ with

Art Unit: 3724

respect to each other (Fig. 2) for the purpose of increasing the useful life of the bit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing boundary faces extending at angle of $< 90^\circ$ with respect to each other as taught by Foreign '039 in order to increase the useful life of the holder blade and the blade.

5. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Foreign Patent no. DE4110039 as applied to claims 1 and 6 above, and further in view of Beadman (5,605,087).

The modified device of Stauber discloses the invention substantially as claimed except for a ceramic material. However, Beadman teaches the use of a ceramic material for the purpose of reducing the force necessary to cut the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing the ceramic material as taught by Beadman in order to obtain a reduction in force to cut the workpiece and reduce manufacturing cost.

6. Claims 12, 21, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Foreign Patent no. DE4110039 as applied to claim 1 above, and further in view of Kutchmarek et al. (6,435,066).

The modified device of Stauber discloses the invention substantially as claimed except for a coating material like diamonds. However, Kutchmarek teaches the use of a coating material like diamonds for the purpose of having the strength and/or durability to efficiently cut.

Art Unit: 3724

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing the coating material like diamonds as taught by Kutchmarek in order to obtain the strength and/or durability to efficiently trim products.

7. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Foreign Patent no. DE4110039 as applied to claim 1 above, and further in view of Houser.

The modified device of Stauber discloses the invention substantially as claimed except for a curable adhesive. However, Houser teaches the use of a curable adhesive (col. 7, line 52-67) for the purpose of attaching the blades. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing the curable adhesive as taught by Houser in order to reduce undesirable stresses in the blade due to the thermal expansion.

8. Claims 14-15 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Foreign Patent no. DE4110039 as applied to claims 1 above, and further in view of Curtsinger et al. (5,896,800).

The modified device of Stauber discloses the invention substantially as claimed except for a soldering material. However, Curtsinger teaches the use of a soldering material for the purpose of providing a maximum contact area to secure the tooth 14 with the blade body 15. It would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit: 3724

made to have modified Stauber's device by providing the ceramic material as taught by Curtsinger in order to provide a maximum contact area to secure the blade with blade holder.

9. Claims 15, 24 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Foreign Patent no. DE4110039 as applied to claims 1 above, and further in view of Plein (5,791,225).

The modified device of Stauber discloses the invention substantially as claimed except for ultrasound welding. However, Plein teaches the use of ultrasound welding for the purpose of providing a maximum contact area to firmly joint the blade with the base. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing ultrasound welding as taught by Plein in order to provide a maximum contact area to firmly joint the blade with blade holder.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 2 and 5-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunt, Halket et al. and Suzuki et al. are cited to show related device.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3724


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs
May 16, 2004


KENNETH E. PETERSON
PRIMARY EXAMINER